

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

HARTFORD FIRE INSURANCE COMPANY,

Plaintiff,

v.

Cause No. 1:13-CV-00896 LRF/RHS

JUSTINA ROMERO, individually and as Personal Representative of the ESTATE OF KAYLA ALEXIS MARTINEZ, FRED SANCHEZ, individually and as Personal Representative of the ESTATE OF ALEANDRA SANCHEZ; REYES RUBIO; ANGEL GOMEZ, as Parents and next friend of BRIANNA SANCHEZ, a minor; FELICITA ESQUIBEL, as Parent and next friend of KAYLA ESQUIBEL, a minor; MARY HELEN LUCERO, as Parent and next friend of ALEXANDRIA DE LA O, a minor; and JOSEPH MARTINEZ,

Defendants.

**DEFENDANT JUSTINA ROMERO, INDIVIDUALLY AND AS PERSONAL
REPRESENTATIVE OF THE ESTATE OF KAYLA ALEXIS MARTINEZ’
ANSWER TO PLAINTIFF HARTFORD FIRE INSURANCE
COMPANY’S COMPLAINT FOR INTERPLEADER**

COMES NOW, Justina Romero, individually and as Personal Representative of the Estate of Kayla Alexis Martinez, through her attorney of record, Will Ferguson & Associates (Robert C. Gutierrez) and for her answer to Plaintiff Hartford Insurance Company’s Complaint for Interpleader (hereinafter “Complaint”) states as follows:

FIRST DEFENSE

1. Defendant Justina Romero admits the allegations contained in paragraphs 2, 9, 13, 14, 15, 16, 23, 24, 26, 27, 28, 29, 30, 31, 32, 33, 39, 40 of the Complaint.

2. Defendant Justina Romero is without sufficient information to admit or deny the allegations contained in paragraphs 1, 3, 4, 5, 6, 7, 8, 10, 11, 12, 17, 18, 19, 20, 21, 22, 25, 34, 35, 36, 37, 38, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53.

3. Defendant Justina Romero denies any paragraph of the complaint not specifically admitted above.

SECOND DEFENSE

This interpleader action does NOT relieve the Plaintiff of its contractual, legal and statutory obligations, duties and responsibilities to its insureds, including Roberta Dimas, Wayne Lovato and this Defendant, under the subject Personal Auto Policy (Policy No. 18 PH 168114) referred to in paragraph #26 of *Plaintiff Hartford Insurance Company's Complaint For Interpleader*.

THIRD DEFENSE

This interpleader action does NOT relieve the Plaintiff of its contractual, legal and statutory obligations, duties and responsibilities to its insureds, including Roberta Dimas, Wayne Lovato and this Defendant, with regard to this Defendant's pending civil lawsuit entitled *Justina Romero, individually and as Wrongful Death Personal Representative of the Estate of Kayla Martinez, Plaintiff V. Wayne Lovato and Roberta Dimas-Lovato, Defendants No. D-412-CV-2013-00226*, filed of record May 30, 2013 in the Fourth Judicial District Court, State of New Mexico.

WHEREFORE, Defendant Justina Romero, individually and as Personal Representative of the Estate of Kayla Alexis Martinez, respectfully requests that the Court:

1. Determine that the Estate of Kayla Alexis Martinez receive \$50,000 under the liability portion of Plaintiff's policy and \$50,000 under the uninsured motorist portion of Plaintiff's policy.
2. Determine that this interpleader action does NOT relieve the Plaintiff of its contractual,

legal and statutory obligations, duties and responsibilities to it's insureds, including Roberta Dimas, Wayne Lovato and this Defendant, under the subject Personal Auto Policy (Policy No. 18 PH 168114) referred to in paragraph #26 of *Plaintiff Hartford Insurance Company's Complaint For Interpleader*.

3. Determine that this interpleader action does NOT relieve the Plaintiff of it's contractual, legal and statutory obligations, duties and responsibilities to it's insureds, including Roberta Dimas, Wayne Lovato and this Defendant, with regard to this Defendant's pending civil lawsuit entitled *Justina Romero, individually and as Wrongful Death Personal Representative of the Estate of Kayla Martinez, Plaintiff V. Wayne Lovato and Roberta Dimas-Lovato, Defendants No. D-412-CV-2013-00226*, filed of record May 30, 2013 in the Fourth Judicial District Court, State of New Mexico.

Respectfully submitted;

WILL FERGUSON & ASSOCIATES

/s/ Robert C. Gutierrez

ROBERT C. GUTIERREZ

*Attorney for Defendant Justina Romero
Individually and as Personal Representative
of the Estate of Kayla Alexis Martinez*

10090 Coors Blvd NW Ste A

Albuquerque, NM 87114

Phone: (505)243-5566

Fax: (505)897-2279

I HEREBY CERTIFY that on October 17, 2013, I filed the foregoing pleading electronically through the CM/ECF system, which caused the following parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing and by regular mail those parties not represented by counsel, as indicated below:

Courtenay L. Keller / D. Chet Alderete
Attorneys for Plaintiff, Hartford Fire Insurance Company
ckeller@rsk-law.com / calderete@rsk-law.com

Anna C. Martinez
anna@aequitas.pro

Thell Thomas
Attorney for Joseph Martinez
tthomasjd@gmail.com

Vitalia M. Sena-Baca
Attorney for Fred Sanchez as Personal Representative of the Estate of Aleandra Sanchez
vitalia@pskattorneys.com

Reyes Rubio
798 Don Gallegos Circle
Las Vegas, NM 87701

Angel Gomez
2700 Hot Springs Blvd #1
Las Vegas, NM 87701

Felicita Esquibel
1009 Romero Street
Las Vegas, NM 87701

WILL FERGUSON & ASSOCIATES
/s/Robert C. Gutierrez

ROBERT C. GUTIERREZ

Attorney for Defendant Justina Romero, Individually and as Personal Representative of the Estate of Kayla Alexis Martinez
bob@fergusonlaw.com